

Appln. No. 10/828,804

Attorney Docket No. 10541-1971

## II. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

After entering this amendment, claims 1-20 remain pending with claims 1, 4-7, 9, and 11-20 currently being under examination.

### *Claim Amendments*

Claim 1 has been amended to more particularly point out and distinctly claim that which is regarded as the invention. The claim clarifies the characteristics of the first and second elements as being defined by surfaces of rotation so as to have an enclosed hollow interior. In addition, claim 13 has been amended to claim the first and second elements defined by surfaces of rotation so as to be closed, dome shaped bodies. No new matter is being added to this application since the surfaces of rotation are clearly disclosed in Figures 1 & 2.

### *Claim Objections*

As suggested by the Examiner, claim 13 has been amended to replace *surfaces* with *surface*.

### *Claim Rejections – 35 U.S.C. § 102*

Claims 1, 4-6, 11-16 and 19-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,852,704 ("Brockenbrough"). Applicant respectfully traverses these rejections.

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As noted by the Examiner, Brockenbrough discloses an energy absorbtion and barrier device for automotive vehicles. More specifically, it discloses a stack of three planar sheet metal strips bent into a generally sinusoidal-shape and held together by brackets 17. *Brockenbrough*, col. 2, lines 65-68, col. 3, line 1, Fig. 1. The sinusoidal shape runs in the direction of elongation (*id.* at Fig. 1) and subsequent strips have nodes of increasing depth (*id.* at col. 3, lines 28-35). This results in open arch-shaped gaps between the peaks of each node of the strips. *Id.* at Fig. 2. Referring now to claim 1, it is submitted that Brockenbrough fails to disclose first and second elements so as to have an *enclosed* hollow interior. Since Brockenbrough has a planar, open shape and not an enclosed shape defined by a surface of rotation, the rejection based thereon should accordingly be withdrawn.

Referring now to claim 13, it is submitted that Brockenbrough fails to disclose a plurality of hollow, *closed and dome-shaped* first and second elements defined by a surface of rotation, as noted with regard to claim 1. Rather, the nodes of Brockenbrough are open arch-shaped gaps. Since the nodes of Brockenbrough are open at either end and are neither dome shaped or enclosed by a surface of rotation as claimed, the rejection based thereon should also be withdrawn. Such action is hereby requested.

***Claim Rejections – 35 U.S.C. § 103***

Claims 7, 9 and 17-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,852,704 ("Brockenbrough") in view of U.S. Patent

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Publication No. 2002/0017805 ("Carroll"). Applicant respectfully traverses these rejections.

The comments presented above regarding claims 1 and 13 are equally applicable to the present rejection in that Brockenbrough individually, and when combined with Carroll, fails to disclose every element claimed in the present invention. Carroll fails to cure the deficiencies noted above with regard to Brockenbrough. Therefore, it must be concluded that the combination of Brockenbrough in view of Carroll cannot render the claims of the present application as obvious. The rejection under § 103(a) should accordingly be withdrawn.

#### *Conclusion*

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

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Date

Respectfully submitted,

  
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Attachments: None

EJS/DPH/ael